

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JIMMIE LEWIS,)	
)	
Plaintiff,)	C.A. No.: 04-1350 (GMS)
)	
v.)	
)	
SYLVIA FOSTER, LANCE SAPERS,)	
DAVE MOFFITT, R. GRAY,)	
MR. JOHNSON, JOHN JOE,)	
)	
Defendants.)	

**DEFENDANT DR. SYLVIA FOSTER'S RESPONSE TO PLAINTIFF'S
MOTION FOR INTERROGATORY ANSWERS #2 FOR DR. FOSTER
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE #33**

COME NOW, Defendant, Dr. Sylvia Foster, by and through her undersigned counsel and responds to Plaintiff's Motion for Interrogatory Answers #2 for Dr. Foster Pursuant to Federal Rule of Civil Procedure #33, and in support thereof, avers the following:

1. This incident was based upon a statement provided to Answering Defendant; therefore, there is no information regarding who witnessed the incident.
2. See Answering Defendant's response to Interrogatory No. 1.
3. No.
4. Unknown; the observations were made by the psychologist group leader and relayed to Answering Defendant.
5. Objection. Plaintiff's request calls for conclusions of documents not prepared by Answering Defendant and therefore not under the control of Answering Defendant. By way of further response without waiving the objection, the observations made by the psychologist group leader were relayed to Answering Defendant.

6. Objection. Answering Defendant's June 10, 2004 report speaks for itself and does not require any additional commentary.

7. This request is better suited to be directed to the team psychologist rather than Answering Defendant.

8. No. Such statements were made to the Mental Health Examiner and not to Answering Defendant.

9. No. Such statements were made to the Mental Health Examiner and not to Answering Defendant.

10. No.

11. No.

12. Yes.

13. No. The FCM report was written prior to the Plaintiff's admission to the Delaware Psychiatric Center.

14. No.

15. No.

16. This was based upon the totality of information presented by the Plaintiff during his evaluation with Answering Defendant. The usual way to analyze how much a person uses is to double the estimate.

17. The basis of these comments is derived from reports issued by staff at the Delaware Psychiatric Center. Additionally, the various assaultive encounters have been listed by Plaintiff in previous interrogatory questions.

18. Basis of diagnosis of Conduct Disorder is described in note of 6/10/04 at 4:30 pm in the progress notes of the plaintiff's Delaware Psychiatric Center chart.

19. Objection. Request fails to demonstrate what is meant by “forensic determination”. By way of further response without waiving the objection, the incident is noted as occurring on the date cited.

20. Objection. Vague request. By way of further response without waiving the objection, Answering Defendant does not have a signed affidavit; the information was told to the team social worker by Plaintiff’s mother.

21. No.

22. Unknown.

23. Objection to Plaintiff’s characterization of medical care. By way of further response without waiving the objection; aggressive, assaultive, agitated behavior that is not verbally redirectable.

24. Report was not available at the time.

25. Objection. The request seeks a legal conclusion. By way of further response without waiving the objection, Plaintiff did not verbalize any suicidal ideation during his admission to the Delaware Psychiatric Center.

RESPECTFULLY SUBMITTED,

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.

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Attorney for Defendant Dr. Sylvia Foster

Dated: April 16, 2007

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify on this 16th day of April, 2007 that a true and correct copy of Defendant Dr. Sylvia Foster's Response to Plaintiff's Motion for Interrogatory Answers #2 for Dr. Foster Pursuant to Federal Rule Civil Procedure #33 has been served electronically and/or by first class mail, postage prepaid, to the following:

Jimmie Lewis
SBI#506622
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Smyrna, DE 19977

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